

ARGUMENTS

Claims 1 and 25-58 are pending. No claims stand allowed.

The drawings have been amended to correct minor errors noted in the Office Action and otherwise. These corrections are of a clerical nature and do not add "new matter".

Claims 25-58 were not mentioned in the Office Action¹. The originally filed application included claims 1-24. Claims 2-24 were cancelled without prejudice or disclaimer in a first preliminary amendment filed on June 10, 1999. Claims 25-58 were added in a second preliminary amendment filed on January 11, 2000. Copies of both preliminary amendments and the respective filing receipts are attached to this paper. The Examiner is reminded that in every letter each claim should be mentioned by number, and its treatment or status given.² It is respectfully requested that claims 25-58 be allowed.

Objection to the Drawings

The Examiner has required new formal drawings based on a Draftperson's Review. Submitted herewith are corrected drawings. The Applicants respectfully request the objection to the drawings be withdrawn.

¹ Office Action dated July 31, 2002.

² M.P.E.P § 707.07(i).

The First 35 U.S.C. § 112 Rejection

Claim 14 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly having insufficient antecedent basis for the limitation “the single threaded processing element”.³ As mentioned above, claim 14 was cancelled without prejudice or disclaimer in a first preliminary amendment filed on June 10, 1999. The 35 U.S.C. § 112, second paragraph rejection as to claim 14 is therefore moot.

The Second 35 U.S.C. § 112 Rejection

Claims 9-11 and 15-17 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.⁴ As mentioned above, claims 9-11 and 15-17 were cancelled without prejudice or disclaimer in a first preliminary amendment filed on June 10, 1999. The 35 U.S.C. § 112, second paragraph rejection as to claims 9-11 and 15-17 is therefore moot.

Judicially-Created Double Patenting

Claims 1, 18, 20, 21 and 23 have been provisionally rejected pursuant to the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 36, 38, 39 and 41 of copending Application Serial No. 09/235,157.⁵ Submitted herewith is a

³ Office Action ¶ 2.

⁴ Office Action ¶ 3.

⁵ Office Action ¶ 5.

terminal disclaimer in accordance with 37 CFR 1.321 (b) and (c). Withdrawal of this rejection is respectfully requested.

The First 35 U.S.C. § 102 Rejection

Claims 1-3, 8-12 and 15-24 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by “Java Card 2.0 Programming Concepts” by Sun Microsystems, Inc.⁶ This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.⁷ “The identical invention must be shown in as complete detail as contained in the claim.”⁸ “The elements must be arranged as required by the claim...”⁹

Contrary to the Examiner’s statement, each and every element is not found in the cited reference. Furthermore, the various combinations of elements proposed by the Examiner are never arranged by the cited reference in the same manner as proposed by the Examiner or as required by the present claims.

Claim 1

Claim 1 recites:

A small footprint device comprising:

- a. at least one processing element;
- b. memory, and

⁶ Office Action ¶ 7.

⁷ Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

⁸ *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

⁹ *Id.*

- c. a context barrier, using said memory and running on said processing element, for isolating program modules from one another.

The Examiner states:

As to claims 1, 8, 12, and 18-24, SUN teaches a small footprint device (card) comprising: processing element; memory; and context barrier (firewall) for isolating program modules from one another (applets) (pg. 7 - 8, Applet Isolation and Object Sharing).¹⁰

The Applicants respectfully disagree. Contrary to the Examiner's statement, the cited reference does not disclose "a context barrier, using said memory and running on said processing element, for isolating program modules from one another." Instead, the cited reference discloses "an applet firewall prevents one applet from accessing the contents or behavior of objects *owned by other applets*."¹¹ The cited reference also states:

Every object (class instance or array) on the card is owned by the applet which instantiated it, that is, the applet which was active at the time the object was created. The owning applet always has full privileges to use and modify the object.

The applet firewall ensures that no other applet may use, access, or modify the contents of an object *owned by another applet* except as described in this section. This does not restrict another applet from having a reference to such an object, but that applet cannot invoke methods on the object or get or set its field contents.¹²

The Applicants respectfully submit that the Examiner's attempt to equate an applet firewall that prevents an applet from accessing objects owned by other applets, with a *context* barrier for isolating program modules from one another, is improper. Since these elements are not disclosed in the cited reference, the rejection is unsupported by the art and should be withdrawn.

¹⁰ Office Action ¶ 7.

¹¹ Java Card 20. Programming Concepts, October 15, 1977, Sun Microsystems, Inc., § 2.7. (emphasis added)

Claims 2-3, 8-12 and 15-24

As mentioned above, claims 2-3, 8-12 and 15-24 were cancelled without prejudice or disclaimer in a first preliminary amendment filed on June 10, 1999. The 35 U.S.C. § 102(b) rejection as to claims 2-3, 8-12 and 15-24 is therefore moot.

The Second 35 U.S.C. § 102 Rejection

Claims 1, 12 and 18-24 stand rejected under 35 U.S.C. § 102(a) as being allegedly anticipated by "Designers Offered First 16-bit Smart Card IC architecture with development tools" by Phillips.¹³ This rejection is respectfully traversed.

Contrary to the Examiner's statement, each and every element is not found in the cited reference. Furthermore, the various combinations of elements proposed by the Examiner are never arranged by the cited reference in the same manner as proposed by the Examiner or as required by the present claims.

The Examiner states:

As to claims 1, 12, and 18-24, PHILIPS teaches a small footprint device (card) comprising: processing element; memory; context barrier (unique smart card hardware firewall) for isolating program modules from one another (applications) (pg. 1, "Based on a unique smart card hardware firewall which isolates different applications from each other, SmartXA ensures secure and safe handling of several applications from different service providers on a single card.").¹⁴

The Applicants respectfully disagree. Contrary to the Examiner's statement, the cited reference does not disclose a *context barrier* for isolating program *modules* from one another. Instead, the cited reference discloses:

¹² *Id.* (emphasis added)

¹³ Office Action ¶ 8.

¹⁴ *Id.*

Based on a unique smart card hardware firewall which isolates different applications from each other, SmartXA ensures secure and safe handling of several applications from different service providers on a single card.¹⁵

The Applicants respectfully submit that the Examiner's attempt to equate "context barrier for isolating program modules" with "unique smart card hardware firewall" is improper. Since these elements are not disclosed in the cited reference, the rejection is unsupported by the art and should be withdrawn.

Claims 12 and 18-24

As mentioned above, claims 12 and 18-24 were cancelled without prejudice or disclaimer in a first preliminary amendment filed on June 10, 1999. The 35 U.S.C. § 102(a) rejection as to claims 12 and 18-24 is therefore moot.

The 35 U.S.C. § 103 Rejection

Claims 4-7, 13 and 14 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Java Card 2.0 Programming Concepts" by Sun Microsystems, Inc.¹⁶ As mentioned above, claims 4-7, 13 and 14 were cancelled without prejudice or disclaimer in a first preliminary amendment filed on June 10, 1999. The 35 U.S.C. § 103(a) rejection as to claims 2-7, 13 and 14 is therefore moot.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.


¹⁵ *Designers Offered First 16-Bit Smart Card IC Architecture With Development Tools*, Philips Semiconductors Press Release, September 21, 1998.

Request for Allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1698.

Respectfully submitted,
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¹⁶ Office Action ¶ 10.